

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SADDLE MOUNTAIN MINERALS,
L.L.C.,

Plaintiff,

v.

CITY OF RICHLAND, a municipal
corporation of the State of
Washington,

Defendant.

NO. 4:22-CV-5055-TOR

ORDER DENYING PLAINTIFF’S
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Plaintiff’s Motion for Reconsideration (ECF No. 40). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, and is fully informed.

DISCUSSION

Motions for reconsideration are generally disfavored. “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is

1 an intervening change in controlling law.” *Sch. Dist. No. 1J, Multnomah Cty., Or.*
2 *v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). “There may also be other,
3 highly unusual, circumstances warranting reconsideration.” *Id.*

4 Plaintiff “urges the Court to reconsider for the purpose of clarifying whether
5 its decision to dismiss the claim was made under FRCP 56 or some other rule, such
6 as FRCP 12, because no cross motion on that claim was made by the City.” ECF
7 No. 40 at 2. After full briefing and oral argument, the Court entered summary
8 judgment in favor of Defendant on Plaintiff’s Fourteenth Amendment claim. ECF
9 No. 37 at 7. In doing so, the Court clearly cited its authority to *sua sponte* grant
10 summary judgment in favor of the nonmoving party after the parties had a full and
11 fair opportunity to address the issue. *See id.* (citing *Gospel Missions of Am. v. City*
12 *of Los Angeles*, 328 F.3d 548, 553 (9th Cir. 2003); Fed. R. Civ. P. 56(f)(1)). No
13 clarification is warranted.

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 Plaintiff’s Motion for Reconsideration (ECF No. 40) is **DENIED**.

16 The District Court Executive is directed to enter this Order and furnish
17 copies to counsel. The file remains **OPEN**.

18 DATED June 21, 2023.



Thomas O. Rice
THOMAS O. RICE
United States District Judge